IN THE HIGH COURT OF PUNJAB & HARYANA
CHANDIGARH

Criminal Revision No.75 OF 1994
Date of Decision: ***JULY 11, 2007***

JARNAIL SINGH AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE A.N.JINDAL

Present: Mr.Arshwinder Singh, Advoate for the petitioners
Mr. Anter Singh Brar,DAG Punjab.

A.N.JINDAL, J

This revision petition is directed against the judgment dated 20.01.1994 passed by Sessions Judge, Faridkot whereby he while partly accepting appeal of the petitioners acquitted Hardip Singh and dismissed the appeal of Jarnail Singh and Raj Singh, however, modified the sentence as under:

Name of accused	Offence	Sentence
Jarnail Singh	326 IPC	RI for 9 months and to pay a fine of Rs.1000/-
	324/34 IPC	RI for 6 months and a fine of Rs.500/-
	323/34 IPC	RI for 6 months and to pay a fine of Rs. 500/-
Raj Singh	324 IPC	RI for 9 months and to pay a fine of Rs.500/-

326/34 IPC	RI for 6 months and to pay a fine of Rs.1000/-
326/34 IPC	RI for 3 months and to pay a fine of Rs. 500/-

However all the sentences were ordered to run concurrently.

Factual matrix of the case is that Raj Singh, and Hardip Singh are the sons of Jarnail Singh, petitioner. The complainant Nachhattar Singh is their neighbour. The petitioners doubted that the complainant was instrumental in breaking the engagement of Raj Singh.

On 23.02.1991 at about 5 P.M when Nachhattar Singh was coming to his house, petitioners waylaid him. Raj Singh inflicted a gandasa blow to Nachhatar Singh on the left side of his head. Jarnail Singh inflicted a gandasa blow on the dorsum of his left hand near the thumb. The hue and cry raised by Nachhattar Singh attracted his sons Gurpreet Singh and Bakhtaur Singh. Hardeep Singh gave two dang blows to Nachhattar Singh on the left side of his chest and left thigh.

Nachhattar Singh fell down with his face downwards. Thereafter, Hardeep Singh inflicted two more dang blows to Nachhattar Singh. Consequently, Nachhattar Singh was shifted to the Civil Hospital, Muktsar where he was medically examined. On receipt of the ruqa, the investigating officer recorded the statement Ex.PE on 24.02.1991 at about 9 AM, on the basis of which FIR was registered at the Police Station Muktsar.

The completion of the investigation followed by the challan against all the three accused they were charged under Sections 326,324,323 read with Section 34 IPC to which they opted for trial. During trial the prosecution examined Dr.S.K.Jagga, Medical Officer, Civil Hospital, Muktsar(PW1), Nachhattar Singh(PW2), Gurpreet Singh (PW3),

ASI Swaran Singh(PW4).

In their statements under Section 313 Cr.PC the accused denied all the incriminating circumstances appearing against them and pleaded their false implication in the case. The trial Court convicted Jarnail Singh under Section 326 IPC for 3 years, Raj Singh and Hardeep Singh each for two years under Section 326/34. They were also sentenced for the remaining offences. On appeal the learned Session Judge, Faridkot while declining the appeal modified the sentence and reduced it accordingly. Still dissatisfied the petitioners have assailed the said judgment.

Mr. Arshwinder Singh, Advocate counsel for petitioners, Mr. Anter Singh Brar,DAG Punjab were heard and records perused. Though the occurrence took place on 23.02.1991 at about 5 PM and the FIR was recorded on the next day about 9AM yet the said delay in lodging the FIR has been duly explained. The injured had suffered at least 6 injuries and injury no.2 was declared as grievous. The witness in this case is the injured himself, he would be last person to substitute the petitioners in place of the real culprits. As precipitated by the Doctor the injured had become unconscious at about 8.45 PM and he was declared fit to make statement on 24.02.1991. In these circumstances, obviously the police was interested to have the first and true version from the mouth of the injured to reach the truth, therefore, the delay in lodging the FIR has been duly explained and is of no consequence to shatter the case of the prosecution.

The testimony of the injured witness namely Nachhattar Singh(PW2) stands duly corroborated in material particulars by Gurpreet Singh (PW3). Despite the lengthy cross examination, nothing adverse could be brought to the surface in order to shatter their testimonies. No discrepancy effecting the substance of the case, has been pointed out by

the counsel for the petitioners which may create dent in the prosecution case. The medical evidence fits in with the ocular version and no plausible defence has been put forward by the accused to make an escape. No other argument has been raised.

In the wake of what has been discussed above, I do not find any merit in the petition, hence the same is hereby dismissed.

(A.N.JINDAL)
JUDGE

July 11,2007
Ruchika

To be referred to reporter: Yes/No